

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

JONATHAN RICARDO HEMPE,

Defendant and Appellant.

E054888

(Super.Ct.No. FWV1002625)

OPINION

APPEAL from the Superior Court of San Bernardino County. Mary E. Fuller,
Judge. Affirmed.

Jeanine G. Strong, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Jonathan Ricardo Hempe is serving 33 years in prison
after pleading guilty to robbery, extortion and burglary, and admitting a gun use
enhancement. As discussed below, we affirm the judgment.

FACTS AND PROCEDURE

On October 20, 2010, defendant and his codefendant were at the codefendant's home with two friends/victims talking and drinking. When the four men went for a drive, defendant and one of the victims, Paredes, got into an argument over money Paredes owed to defendant. At some point defendant had Paredes place a call to his father telling him he needed some money to pay off a debt. Defendant took the phone from Paredes and told the father that he had Paredes in the trunk of his car and that something bad would happen if he did not pay \$1500. Defendant sent a text to his codefendant saying he was going to "smoke" both of the victims. Defendant was armed with a 9-millimeter handgun and his codefendant had a .357 revolver. The car pulled over to a desolate area and defendant told the two victims to "just get out of here." He also took their wallets and cell phones. As the victims walked away, defendant fired at them four times, striking Paredes once in the back. Defendant and his codefendant then drove to Paredes' residence and demanded money from the family while brandishing their handguns. The family handed over \$600.

On October 22, 2010, the People filed a complaint charging defendant with two counts of attempted first degree murder (Pen. Code, §§ 664/187(a)),¹ two counts of second degree robbery (§ 211), two counts of assault with a firearm (§ 245, subd. (b)), extortion (§ 520), residential burglary (§ 459), possession of a short-barreled shotgun or rifle (§ 12020, subd. (a)), two counts of possession of a firearm by a felon (§ 12021, subd.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

(a)(1)), and possession for sale of a controlled substance (§ Health & Saf. Code, § 11378). The People also alleged that defendant had a prior strike (§§ 1170.12 & 667, subds. (b)-(i)) and serious felony convictions (§ 667, subd. (a)(1)), and that he personally used a firearm and caused great bodily injury (§ 12022.53).

On April 26, 2011, defendant pled guilty to second degree robbery with personal use of a firearm (without the great bodily injury allegation), one count of extortion, and one count of residential burglary. Defendant also admitted to having one prior strike and one serious felony conviction.

On June 8, 2011, the trial court sentenced defendant to the agreed term of 33 years in prison, as follows: three years for the robbery, doubled to six years for the prior strike, 20 years for the firearm enhancement, two years for the robbery, a stayed term of two years and eight months for the burglary, and five years for the prior serious felony.

At the victim restitution hearing held on August 18, 2011, the trial court ordered defendant to pay \$40,000 to Paredes for uninsured medical bills and \$7,560 to the other victim. Defendant's liability is joint and several with that of his codefendant. Defense counsel agreed to these amounts. This appeal followed.

DISCUSSION

Upon defendant's request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493], setting forth a statement of the case, a summary of the facts, and potential arguable issues and requesting this court to conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, and granted numerous extensions at his request, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

RAMIREZ
P. J.

We concur:

RICHLI
J.

MILLER
J.